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C O N F I D E N T I A L SECTION 01 OF 02 LAGOS 001436

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STATE FOR AF/W
STATE FOR INR/AA

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SUBJECT: SUPREME COURT OVERTURNS OYO STATE IMPEACHMENT

REF: LAGOS 1317

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Classified By: Consul General Brian L. Browne for reasons 1.4 (b and d)

11. (C) Summary: The Supreme Court ruling upholding an earlier appeal court decision has returned Rashidi Ladoja to the Oyo State governorship he unceremoniously lost eleven months ago due to the machinations of political strongman Lamidi Adedibu. The Supreme Court decision is a victory for the rule of law as the manner in which Ladoja was impeached travestied the constitution. While Ladoja and justice have found each other, their tryst likely will be transient. Ladoja will find the seat of state power remains an uncomfortable one for him. Moreover, it is one he will not enjoy very long. Adedibu still controls the state PDP and thus has engineered the PDP's gubernatorial candidate. Thus, Ladoja's return promises only to be a brief interlude in Adedibu's monopolization of state party politics. End summary.

Supreme Court Decides in Favor of Ladoja

12. (U) On December 7, Nigeria's Supreme Court upheld the decision of the Court of Appeal in Ibadan wherein the appellate court declared the impeachment of governor Ladoja a nullity.

13. (SBU) After the December 7 Supreme Court decision, then sitting governor Akala, in an act of desperation, rushed to the High Court in Ibadan requesting that this court issue a stay of execution of the Supreme Court decision. According to Femi Falana, attorney for Ladoja, the Federal Government wanted to use the court to luxate Ladoja's return to office. Justice Moshood Abass declined to hear the case, claiming a personal conflict of interest. Abass turned the case over to Justice Iyabo Yerima, who rejected the petition and declared in favor of the status quo, i.e. the Supreme Court decision. (Note: As the Nigerian Bar Association noted, getting a High Court to stay a Supreme Court decision would have been tantamount to standing the judicial hierarchy on its head. Nowhere is it contemplated that a lower court could stay or alter the decision of the nation's highest court. End note)

14. (SBU) Political Science Lecturer Adeolu Durotoye of the University of Ibadan told Poloff the Court decision was a triumph for democracy. The decision allowed Ladoja to

reassume the governorship on December 11, nearly eleven months after being impeached. The decision also demoted Akala back to the deputy governorship.

Has Adedibu Fallen Out of Obasanjo's Good Graces?

15. (C) Traditional ruler Gbola Adesiyani of Oyo and Durotoye both predicted future trouble for Lamidi Adedibu, longtime godfather of Oyo State politics. Adedibu, who orchestrated the impeachment of Ladoja by holding a meeting of 18 state assembly legislators in a hotel room, may be cast aside by Obasanjo, Durotoye told Poloff. The order of Obasanjo to the Attorney General and Inspector General of Police for immediate implementation of the court decision indicates Adedibu has fallen out of favor, Durotoye opined.

16. (C) Adesiyani predicted future trouble for Akala from the Economic and Financial Crimes Commission (EFCC). Ladoja is clean, insisted Adesiyani, the EFCC investigated the State Assembly charges against him and found nothing.

17. (U) Speaking in Lagos at a December 11 rally for Human Rights Day attended by Poloff, Nobel laureate Wole Soyinka described the actions of Obasanjo as "two-faced" and a reflection of Nigeria's absence of true democracy. Why, Soyinka rhetorically asked, does the Inspector General of Police have to wait for Obasanjo's permission to execute an order from the Supreme Court? Also, Obasanjo claims to defend the law but only when it is convenient for him, Soyinka charged.

Adedibu Candidates Victorious in PDP Primaries

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18. (C) Despite this public setback and his critics' prediction that he has fallen from presidential grace, Adedibu appears to be retaining his grip on the Oyo State PDP. Adesiyani complained to Poloff that Adedibu had stacked the Oyo State PDP with his acolytes. The PDP gubernatorial primary would have only one candidate for governor--the discredited Akala. Adesiyani's observations were borne out when the PDP chose Akala as its candidate for governor in the primary, and renominated all 18 legislators who voted to impeach Ladoja. Ladoja's political future remains uncertain. Ladoja has still not declared for a party, though he is eligible to run for re-election. Durotoye predicted Ladoja will switch parties as long as Adedibu controls the Oyo PDP.

19. (C) Comment: Most lawyers and most laymen see the Supreme Court decision as a victory for the rule of law. Moreover, Obasanjo's response, while perhaps not spurred by the most august motives, did in fact buttress the decision of the court. Adedibu may have lost the protection Obasanjo usually affords but the loss was likely temporary. Adedibu remains the most powerful man in the Oyo State PDP and thus he, not Ladoja, will probably have the last laugh. End comment.
BROWNE